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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/036,605 | 12/21/2001 | Nancy J. Dodd | 109.0015 | 4732 |
| <div><div>27997759008/10/2007</div><div>PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736</div></div> | | | | |
| | | | EXAMINER GREIMEL, JOCELYN | |
| | | | ART UNIT 3693 | PAPER NUMBER |
| | | | MAIL DATE 08/10/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/036,605 | DODD ET AL. | |
| | Examiner | Art Unit | |
| | Jocelyn Greimel | 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 July 2007 has been entered.

Status of Claims

Claims 1-32 are presently pending. Claims 1, 11, 14, 24, and 27 are currently amended.

Claim Objections

Claim 1 is objected to because of the following informalities: the claim does not read clearly. It appears a comma before the newly added claim language is missing, which would make the claim clearer. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3693

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadigan et al (US Pub. No. 2004/0093242 A1, hereinafter Cadigan) and further in view of Enhanced Claims Processing Capabilities Bolster First American Default Management Solutions (hereinafter, Claims Processing). In reference to claims 1 and 24, Cadigan discloses a method and system for automatically processing claims comprising:

- a. a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal capturing data from a servicer submitting an insurance claim (page 1, 0009-0010; page 2, 0024-0025;
- b. a claims database connected into the network, containing data relating to an insurance claim (page 1, 0009-0012; page 2, 0026);

Art Unit: 3693

c. a claim audit rulebase connected into the network, for automatically performing an audit and adjustments of the submitted insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues (page 1, 0010-0012; page 2, 0026).

Cadigan does not disclose a claim audit rulebase including rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan. However, Claims Processing is a comprehensive claims processing system designed for processing mortgage insurance claim types. Claims Processing details the system's loss mitigation component and default management solutions. The system allows for accurate claim filings and reduces time associated with claims processing as a default management, query and reporting tool for servicers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claims processing system of Cadigan with the mortgage processing details of Claims Processing because it would provide a comprehensive system and architecture for services, processors and clients, making the system more user friendly and efficient for all parties.

In reference to claims 11 and 14, Cadigan discloses a method and system for automatically processing mortgage insurance claims comprising:

- a. a web server administering a network of servicer terminals connected into a network, each servicer terminal running web browser software for viewing web pages served by the web server (page 1, 0009-0010; page 2, 0024-0025);
- b. the web pages including a claim submission form for receiving claim submission data from a servicer at a servicer terminal (page 1, 0009; page 3, 0040-0042); and
- c. a transaction server connected to the web server, the transaction server accessing a claim audit rulebase and a claims database to automatically perform an audit and adjustment for a claim submitted at a servicer terminal, and to automatically provide results of the audit and adjustment to the servicer at the servicer terminal (page 2, 0011-0012).

Cadigan does not disclose the transaction server including rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan. However, Claims Processing is a comprehensive claims processing system designed for processing mortgage insurance claim types. Claims Processing details the system's loss mitigation component and default management solutions. The system allows for accurate claim filings and reduces time associated with claims processing as a default management, query and reporting tool for servicers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claims processing system of Cadigan with the mortgage processing details of Claims Processing because it would provide a

comprehensive system and architecture for services, processors and clients, making the system more user friendly and efficient for all parties.

In reference to claim 27, Cadigan discloses a method for automatically processing claims comprising: receiving an electronic feed of claims data from a centralized claim repository service company (page 1, 0009-0012; page 2, 0024-0025); storing the received data in a sequential dataset in a claims file on a system mainframe; running a mainframe job to look for the claims file on the mainframe; loading data from the claims file into a claims database (page 3, 0033-0034 and 0040-0041); identifying all claims loaded into the claims database; executing a claim audit rulebase for each identified claim; updating the claims database with claim status and audit results from the claim audit rulebase; and making claims available for viewing by servicers on a website (page 4, 0051-0052).

However, Cadigan does not disclose a claim audit rulebase including rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan. Claims Processing is a comprehensive claims processing system designed for processing mortgage insurance claim types. Claims Processing details the system's loss mitigation component and default management solutions. The system allows for accurate claim filings and reduces time associated with claims processing as a default management, query and reporting tool for servicers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claims processing system of Cadigan with

Art Unit: 3693

the mortgage processing details of Claims Processing because it would provide a comprehensive system and architecture for services, processors and clients, making the system more user friendly and efficient for all parties.

In reference to claims 2-10, Cadigan discloses a method for automatically processing claims wherein: data entry fields are automatically pre-filled using stored data (page 1, 0011); a document generator generates a settlement letter for servicer (page 1, 0010); the claim audit rulebase determines if a payment is to be made and the projected date of payment (page 4, 0048; page 4, 0058); servicer is provided with a detailed explanation of policy exceptions identified by the rulebase (page 1, 0010-0012); a claim representative terminal connected into the network for allowing a servicer to communicate with the claim representative (abstract; page 1, 0010); the servicer communicates with the claim representative using e-mail (abstract; page 1, 0010); the servicer terminal runs a web browser and web server computer sending web pages to the servicer terminal (page 2, 0029); a transaction server for relaying data among the server computer, the claim audit rulebase and the claims database; and a document generator connected to the web server (page 1, 0009-0010). However, Cadigan does not disclose a claim audit rulebase including rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan. Claims Processing is a comprehensive claims processing system designed for processing mortgage insurance claim types. Claims Processing details the system's loss mitigation component and default management solutions. The system

Art Unit: 3693

allows for accurate claim filings and reduces time associated with claims processing as a default management, query and reporting tool for servicers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claims processing system of Cadigan with the mortgage processing details of Claims Processing because it would provide a comprehensive system and architecture for services, processors and clients, making the system more user friendly and efficient for all parties.

In reference to claims 28-29, Cadigan discloses a method for automatically processing claims including: determining whether there have been any errors in loading the claims into the claims database and if there are any errors informing a system support group; and automatically generating an e-mail message informing a claim submitter that a claim has been received and that an audit has been completed (page 3, 0037). However, Cadigan does not disclose a claim audit rulebase including rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan. Claims Processing is a comprehensive claims processing system designed for processing mortgage insurance claim types. Claims Processing details the system's loss mitigation component and default management solutions. The system allows for accurate claim filings and reduces time associated with claims processing as a default management, query and reporting tool for servicers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claims processing system of Cadigan with the

Art Unit: 3693

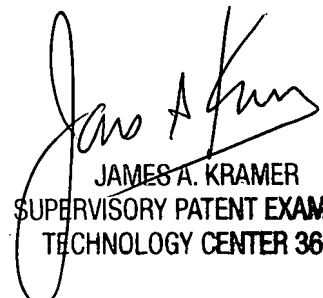
mortgage processing details of Claims Processing because it would provide a comprehensive system and architecture for services, processors and clients, making the system more user friendly and efficient for all parties.

Response to Arguments

Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection, as detailed above.

Conclusion

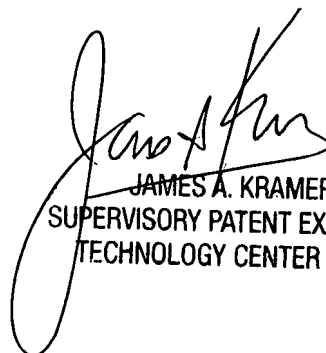
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

 8-6-07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
August 1, 2007

 8-6-07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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